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EXAMINER

LE, UYEN T

ART UNIT	PAPER NUMBER
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2171

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DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/895,174

Applicant(s)

PAGE, LAWRENCE

Examiner

Uyen T. Le

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3, 4, 5, 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claim 34 is rejected under 35 U.S.C. 102(a) as being anticipated by Kleinberg (US 6,112,202) provided by the applicant.

Regarding claim 34, Kleinberg discloses all the claimed subject matter (see the abstract, column 4, line 1-column 5, line 40, Figure 2), including identifying a plurality of linked documents (see set Q), identifying primary linking documents that link to the linked documents (see set P), identifying secondary linking documents that link to the primary linking documents (see set R), “assigning a score...linking document” (see column 4, lines 53-65), and “organizing...assigned scores” (see column 4, line 66-column 5, line 3).

2. Claims 10-13, 21-29, 36 are rejected under 35 U.S.C. 102(a) as being anticipated by Kleinberg “Authoritative sources in a hyperlinked environment”, IBM Research report RJ 10076, May 1997, provided by the applicant.

Regarding claim 10, Kleinberg discloses all the claimed subject matter (see the whole document), including “receiving a search query from a user” (see examples of queries at page 1), “identifying a plurality of documents responsive to the search query”

(see Figure 1), "locating incoming links to the identified documents from corresponding linking documents" when Kleinberg identifies links between pages in different domains (see page 10), "assigning a score to each of the identified documents based on a number of the incoming links to the identified document and an importance of the incoming links" when authorities are identified (see page 9), "creating a ranked list based on the scores of the identified documents" when authoritative pages are determined by an analysis of the link structure (see page 10), and "presenting to the user information about the identified documents in an order that is based on the ranked list" (see pages 27-30).

Regarding claim 11, the claimed "wherein the importance of each of the identified links is based on a quality associated with the corresponding linking document" is met by the fact that the method of Kleinberg produce a small collection of pages likely to contain the most authoritative pages for a given topic (see page 9, second paragraph).

Claims 12, 13 merely reads on the fact that the method of Kleinberg gives more importance to transverse links than intrinsic links (see page 12, first paragraph).

Regarding claim 21, Kleinberg discloses "determining first link information for a linked node" and "determining second link information for linking nodes that link to the linked node" when Klenberg shows that the method determines links between documents (see Figure 1). The claimed "calculating a score for the linked node based on both the first link information and the second link information" is met when Kleinberg shows updating weights based on the mutually reinforcing relationship between hubs and authorities (see page 7).

Regarding claims 22, 25, the claimed "first link information comprises backlink information" is met by the fact that the method of Kleinberg determines authoritative documents that contain links to the current document (see page 2, third paragraph).

Regarding claims 23, 26, Kleinberg discloses the backlink information comprises a quality of backlinks associated with the linked node when Kleinberg shows that the method determines which page is considered authoritative (see pages 7, 8).

Regarding claims 24, 27, the claimed "second link information comprises backlink information" is met by the pages pointed to by the hubs in the method of Kleinberg (see page 3, third paragraph).

Regarding claim 28, Kleinberg discloses all the claimed subject matter (see pages 10-14). The claimed first linked document is met by a page in the base set. The claimed step (a) is met when Kleinberg shows that a page of a base set is identified from the links of the root set. The claimed step (b) is met when Kleinberg shows that the links from the root set are used to obtain the base set (see Figure 1). The claimed step (c) is met when Kleinberg shows that transverse links having more weight than intrinsic links (see page 12). The claimed step (d) is met when Kleinberg shows how the links and their nature determine whether a page is an authority (see Figures 2, 3). The claimed step (e) is met since all pages from the set are processed in the method of Kleinberg. The claimed step (f) is met when Kleinberg shows that the pages are organized into hubs and authorities (see pages 12, 13).

Regarding claim 29, Kleinberg discloses assigning different weights to at least some of the identified links associated with the linked documents when Kleinberg shows transverse links and intrinsic links (see page 12).

Claim 36 merely differs from claim 28 by claiming repeating steps (a) through (d) for "subsequent linked documents" instead of for "a second linked document", thus is rejected for the same reasons stated in claim 28 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-20, 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinberg "Authoritative sources in a hyperlinked environment", IBM Research report RJ 10076, May 1997, provided by the applicant.

Regarding claims 14-18, although Kleinberg does not specifically show that the importance of the identified links is based on a particular character of the linking document as claimed, since importance is subjective, some criteria important to one user is not necessarily important to another user, it would have been obvious to one of ordinary skill in the art to include the claimed features while implementing the method of Kleinberg depending on user's requirement.

Regarding claim 19, since bookmarks identify users' interests and a user's home page characterizes the user, it would have been obvious to one of ordinary skill in the

art to include the claimed features while implementing the method of Kleinberg in order to retrieve links likely related to what is important to the user.

Regarding claim 20, although Kleinberg does not specifically show annotating links in the identified documents based on an importance of documents referenced by the links, it would have been obvious to one of ordinary skill in the art to do so in order to attract viewers' attention on important documents.

Regarding claims 30-33, Kleinberg discloses all the claimed subject matter except that the weight is dependent on the criteria of host, URL, domain, author, institution, last update time, whether the linking documents are selected documents or roots, importance, visibility, textual emphasis of the identified links. However it is well known in the art that weight dependency varies from application to application. Therefore, it would have been obvious to one of ordinary skill in the art to include any criteria for determining the weight.

### ***Double Patenting***

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. Claims 9, 35 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of prior U.S. Patent No. 6,285,999. This is a double patenting rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 703-305-4134. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

20 September 2004



**UYEN LE  
PRIMARY EXAMINER**